

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Public Services – Agriculture & Coop. Dept. - Sri V.Ashok Kumar, former ADA (Farms) Thagadancha, Kurnool District – Misappropriation of Government money and dereliction of duties – Initiated disciplinary action u/r 20 of APCS (CC&A) Rules, 1991- Inquiry conducted – Inquiry report communicated – Written Representation not submitted – Final– Orders – Issued.

**AGRICULTURE AND COOPERATION (VIGLANCE-I) DEPARTMENT**

**G.O.Ms.No. 43**

**Dated:23-04-2013.**

**Read the following:-**

1. U.O.Note No. ACS/1772/2005, dated 13-4-2009 of the Chief Accounts Officer, o/o. the C&DA., A.P. Hyderabad.
2. Charge Memo.No.vig.IV(3)92/2009, dated 8-8-2009 of the C&DA., Hyd.
3. From Sri V.Ashok Kumar, ADA (F), Thangadancha, Kurnool dist. W.s.d. Dated 2-9-2009.
4. Memo.No.vig.IV(3)92/2009, dated 13-5-2010 of the C&DA., Hyd.
5. From the Addl. D.A.III/Inquiry Officer, o/o. C&DA., Hyderabad U.O. note dt. 8-4-2011 along with Inquiry Report dt. 8-4-2011.
6. Memo.No.vig.IV(3)92/2009, dated 16-9-2011 of the C&DA., Hyd.
7. C&DA., Hyd Lr.No.Vig.IV(3)92/2009, dated 4-2-2012.
8. Govt letter. No. 1712/Vig.I-1/2012-1, dated 5-3-2012 addressed to the Secretary, APPSC, Hyderabad.
9. From the Secretary, APPSC, Hyd. Lr. No.668/RT/1/2013, Dt.6.4.2013.
10. G.O.Ms.No.458, GA (Ser.C) Dept., dated 22-9-2009.

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**ORDER:**

The Commissioner & Director of Agriculture, Hyderabad, vide reference 7<sup>th</sup> read above has reported that the Special Audit party office of the Commissioner & Director of Agriculture, Hyderabad has conducted Audit on the accounts of office of the Asst. Director of Agriculture (SSMS), Thangadancha, Kurnool district during the period from 12-1-2006 to 22-12-2008 and pointed out that Sri V. Ashok Kumar, ADA (Farm), Thangadancha, Kurnool district could not produce vouchers for an amount of Rs. 32,03,800/- drawn by him incurring the expenditure on the various works at Farm. As such, Sri V.Ashok Kumar, ADA was kept under suspension. As per the interim orders in O.A.No. 5625/2010 of the Hon'ble APAT dated 31-8-2010, the suspension of the Charged Officer has been reviewed and he was reinstated into service and he was reported to duty on 13-10-2011 FN before the Commissioner & Director of Agriculture, Hyderabad and joined as ADA (STL), Ananthapur.

2. The Commissioner & Director of Agriculture, Hyderabad, in the reference 2<sup>nd</sup> read above has initiated departmental action against the Charged Officer duly framing IX Charges u/r 20 of APCS (CC&A) Rules, 1991. The charge Memo was served on Charged Officer on 29.8.2009. The Charged Officer in the reference 3<sup>rd</sup> read above, has denied the charges framed against him. Smt. V.V. Vijayalakshmi, Addl.D.A, IV, office of the Commissioner & Director of Agriculture, Hyderabad, was appointed as Enquiry Officer to enquire into the charges framed against the Charged Officer vide reference 4<sup>th</sup> read above.

3. In the reference 5<sup>th</sup> read above, the Inquiry Officer submitted her Inquiry Report stating that in over all the Charged Officer has not produced any of the records to enquiry and willfully avoided. The amounts released to the farm were mostly misused, and the Charged Officer, misused the funds at his whims and fancies, even without producing any supporting bills/documents.

4. Further the enquiry officer stated that the registers and records of financial transactions should be maintained by the ministerial staff, but the said records are not with them and maintained by the AEO. The Junior Assistant of the farm, when asked for the records, he said that though he has represented to Joint Director of Agriculture in the matter, but in vain. Further the inquiry officer noted that the Charged Officer, had entrusted all the labour works, civil works and contracts to only one person i.e., Sri M. Peddanna, Class-I contractor, resident of Jupadu Bungalow, Kurnool which leads to doubt that the Charged Officer, colluded with Contractor in order to siphon off funds of the farm. The Inquiry Officer expressed her opinion that the C.O., have ignored the provisions of the financial code as well as conduct rules and acted as per his whims and fancies which will set wrong procedure in future cases and as a responsible officer his defiant attitude is also highly objectionable.

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5. On the basis of documental and oral evidence the Inquiry Officer held that the charges framed I to IX in the charge memo. vide ref. 2<sup>nd</sup> read above as held proved against Sri V. Ashok Kumar, ADA, (Farms) Thangadancha, Kurnool district.

6. In the reference 6<sup>th</sup> read above, while communicating a copy of the Inquiry report, the C.O., was directed to make a representation if any on the findings of Inquiry report. The J.D.A., Kurnool has reported that the house of the Charged Officer was locked since 5 months. In the second time again has communicated the same to the C.O., and acknowledged by him on 17.1.2012. But, the C.O. has not submitted his written explanation to the findings of the inquiry officer. The prescribed time for submission of the written explanation was over.

7. The Commissioner & Director of Agriculture, Hyderabad, in the reference 7<sup>th</sup> read above, has submitted a proposal to Government, recommending for dismissal of Sri. V. Ashok Kumar, A.D.A (STL), Anantapur from service as the Charged Officer, has misappropriated huge public money, while working as ADA (Farm), Thangadancha, Kurnool district, besides recovery of misappropriation money under R.R. Act, as the charges were proved in a regular inquiry and requested to issue early orders in the matter being competency.

8. The government after examining the matter once again has been given an opportunity to the Charged Officer, to submit his written representation, if any, on the findings of the Inquiry Officer within 15 days, otherwise further action will be taken based on the material available as per rules in vogue vide reference 8<sup>th</sup> read above. But the C.O., instead of submitting written explanation has filed O.A.No. 3546 of 2012 before the Hon'ble APAT, for suspension of all further proceedings, eventhough an ample opportunity given by the Government and as on date the Charged Officer has not submitted his written representation.

9. The government after careful examination of the entire matter with reference to the standing instructions issued vide reference 9<sup>th</sup> read above, have observed that the C.O., is wantonly evading to submit his written representation to the findings of the Inquiry Officer and eventhough ample opportunity given by the Government, prematurely the C.O., approached the Hon'ble Tribunal to side track the issue. Further in all proved cases of misappropriation, the penalty of dismissal from service shall be imposed. Accordingly, taking into consideration of the recommendation of the C&DA and as per rules in force, took provisional decision to impose a punishment of dismissal from service against Sri.V.Ashok Kumar A.D.A (STL) Anantapur u/r 9 (x) of APCS (CC&A) Rules, 1991, besides recovery of misappropriated amount under R.R.Act after following due procedures. In the letter 8<sup>th</sup> read above, the APPSC has been addressed for concurrence on the proposed penalty of the Govt. The APPSC has agreed with the proposal of the government vide reference 9<sup>th</sup> read above.

10. The government after careful examination of the entire matter has confirmed the provisional decision and hereby imposed a penalty of dismissal from service against Sri.V.Ashok Kumar A.D.A (STL) Anantapur u/r 9 (x) of APCS (CC&A) Rules, 1991, besides recovery of misappropriated amount under R.R.Act after following due procedures.

11. The Commissioner & Director of Agriculture, Hyderabad shall take further action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**ANIL CHANDRA PUNETHA,  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
Sri.V.Ashok Kumar, A.D.A (STL) Anantapur District.  
(through C&DA, A.P. Hyderabad.)

Copy to:

The Commissioner & Director of Agriculture, Hyderabad.  
The Secretary, APVC, Hyderabad.  
The Secretary, APPSC, Hyderabad.  
SF/SCs.

// FORWARDED BY ORDER //

**SECTION OFFICER**